

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1 and 2 and new Figures 3 and 4. The sheets, which include Figures 1 and 2, replace the original sheets including Figures 1 and 2.

Attachment: Replacement Sheets (Figures 1 and 2)
 Annotated Sheets Showing Changes (Figures 1 and 2)
 New Sheets (Figures 3 and 4).

- R E M A R K S -

Claims 23 to 27, 31, 33, and 35 to 40 are now in the application.

Applicants hereby cancel previously withdrawn claims 1-22 and 28-30 and reserve the right to file a divisional application for these claims.

Reconsideration of the application as amended is respectfully requested for the following reasons.

A certified copy of the Canadian application no. 2,448,139, on which priority is claimed, is provided herewith. The current status of the priority application is now indicated in the paragraph entitled "Cross-Reference To Related Applications"

Paragraph [0024] has been amended to refer to opening 49 instead of opening 41.

The drawings were objected to under 37 CFR 1.83(a). Figures 1 and 2 have been amended and Figures 3 and 4 have been added.

In Figure 1, the reference numerals 8, 16, 18, 20, and 22 have been added to identify the apertures 8, at opposed ends of the micro jet 3, the port 16 in the connector 15 with apertures 18 at opposed ends, and the peripheral wall 20 of the holding cup 19 which defines a cavity 22. Similarly, in Figure 2, the reference numerals 8, 16, 18, and 20 have been added to identify the same components. These components were already represented in Figures 1 and 2 and no new matter has been added.

In new Figure 3, the reference numeral 101 has been used to identify the recessed micro jet. As mentioned in paragraph [0026], the features of the embodiment shown in new Figure 3, are numbered with reference numerals which correspond to the reference numerals of the previous embodiment in the 100 series. The recessed micro jet has support in paragraph [0026] of the description. No new matter has been added.

In new Figure 4, reference numerals 11, 12, 49, and 59 have been used to identify the slanted wall 11 of a whirlpool bath 12 and the opening 49 in the whirlpool bath shell 59. The slanted wall 11 and the whirlpool bath 12 have support in paragraphs [0011], [0012], [0013], and [0017] amongst others. The slanted wall 11 and the opening 49 were represented in Figure 1.

Finally, the whirlpool bath shell 59 has support in paragraph [0001]. No new matter has been added.

Therefore, the recessed massaging micro jet, as described in paragraph [0026], is now shown in new Fig. 3. The subject-matter of lines 4-7 of amended claim 23 is also shown in Fig. 3. The whirlpool bath set forth in claims 23 and 31 and the 'shell' set forth in claim 31 are shown in new Fig. 4. The objection under 37 CFR 1.83(a) is overcome.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claim 23 was objected to because the terms 'cup portion', 'cavity', and the subject-matter of lines 4-7 were not defined per se in the specification. In amended claim 23, the term 'cup portion' has been replaced with the term 'holding cup' to consistently use the same terminology throughout the text of the application. The term 'cavity' has been added to paragraph [0019] of the specification. The subject-matter of lines 4-7 of amended claim 23 is now believed to have proper antecedent basis in the specification.

Claims 31 and 35 were objected to because the terms 'securable to the shell' and 'operatively connected'. The term 'securable to the shell' has been replaced with 'fixable to the shell'. The term 'fixable' has support in paragraph [0012]:

« ...

c) means for fixing the holding cup substantially flush with the opening by means of the mounting means, and ... ».

The term 'operatively connectable' has been replaced with 'connectable', which has support in paragraph [0018].

The subject-matter set forth in claim 34 was objected to. Claim 34 has been cancelled.

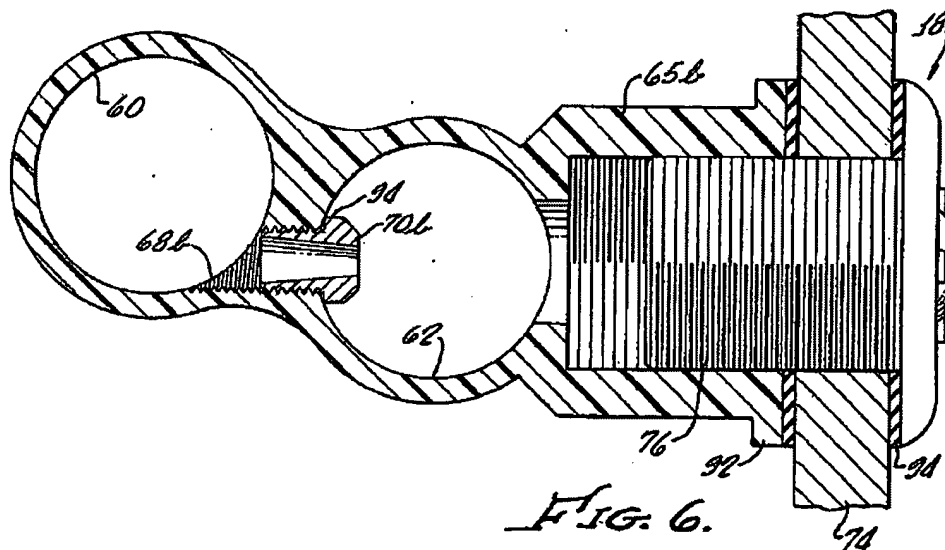
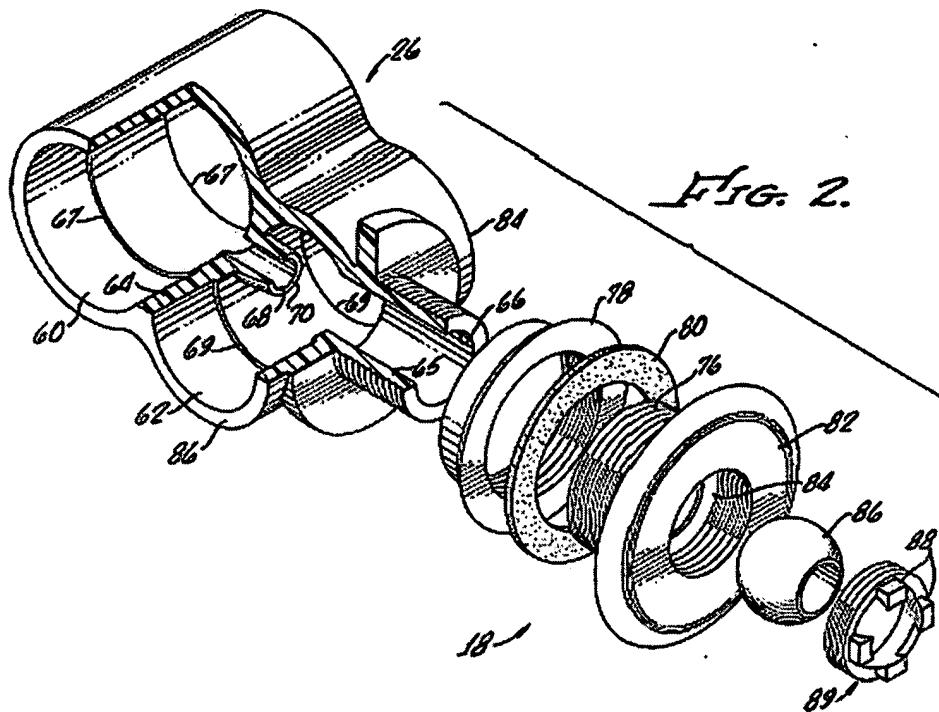
Claim 35 was objected to because the term "port" was not defined per se in the specification. The term "port" is now defined in amended paragraph [0018] of the specification.

Claims 23-27 have been rejected under 35 U.S.C. § 112 because independent claim 23 recited a recessed massaging micro jet. The preamble of claim 23 now refers to “A micro jet”.

In reference to Figures 1 and 2, paragraphs [0017] to [0025] describe how to manufacture a micro jet 3 recessed in an holding cup 19, when the micro jet 3 and the holding cup 19 are molded separately in two distinct pieces. In paragraph [0026], it is mentioned that the micro jet 3 and the holding cup 19 can be molded together, in one piece (Figure 3), to eliminate the need to fix and seal the assembly of the micro jet 3 and the holding cup 19. Molding two distinct pieces and assembling the pieces to form one component or molding the component in a single piece is well-known to persons skilled in the molding art.

Either when the micro jet 3 and the holding cup 19 are molded in two pieces and assembled or molded in one piece, the micro jet is recessed from the wall of the whirlpool bath where it is mounted or from the free end of the holding cup, defining a recessed micro jet. Claims 24 to 27 depend on independent claim 23. The rejection under 35 U.S.C. § 112 is therefore non longer applicable .

Claims 23-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,264,039 to Moreland. As shown in Figs. 2 and 6 reproduced below, Moreland teaches an aerator for a spa or a bathtub. As mentioned in the Office Communication, the aerator has a holding cup 26 with a mounting flange 82, cavities 62, 66, a bottom partition 64, a first and a second cylindrical portions 65b, 60, and a cylindrical member 70b, with a port 68b, extending inwardly in the cavity 62. However, the cylindrical member 70b is not a connector extending past an outer surface of the bottom partition 64, outwardly of the cavity 62, for connection to a pressurized fluid supply. The cylindrical member 70b extends inwardly in the cavity 62. This is contrary to the present invention. Therefore, claims 23 to 27 are novel and the rejection is overcome.



Claims 32-35 were objected to as being dependent upon a rejected base claim, but were allowable if rewritten in independent form. Amended independent claim 31 includes the

subject-matter of original claim 32 and is allowable. Claims 33 and 35 depend on claim 31 and are also allowable.

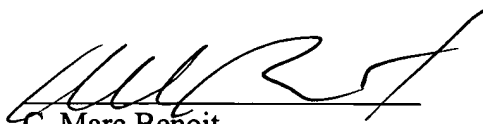
Applicant herein submits for the Examiner's consideration new claims 36 to 40. New claim 36 is a combination of the subject matter original claims 31 and 35. Claims 37 to 40 depend on independent claim 36.

No new matter has been introduced in the application by way of the present amendment.

The application is believed in condition for allowance. Reconsideration of the objections is respectfully requested. In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that persecution of this application may be expedited.

Respectfully submitted,

By:

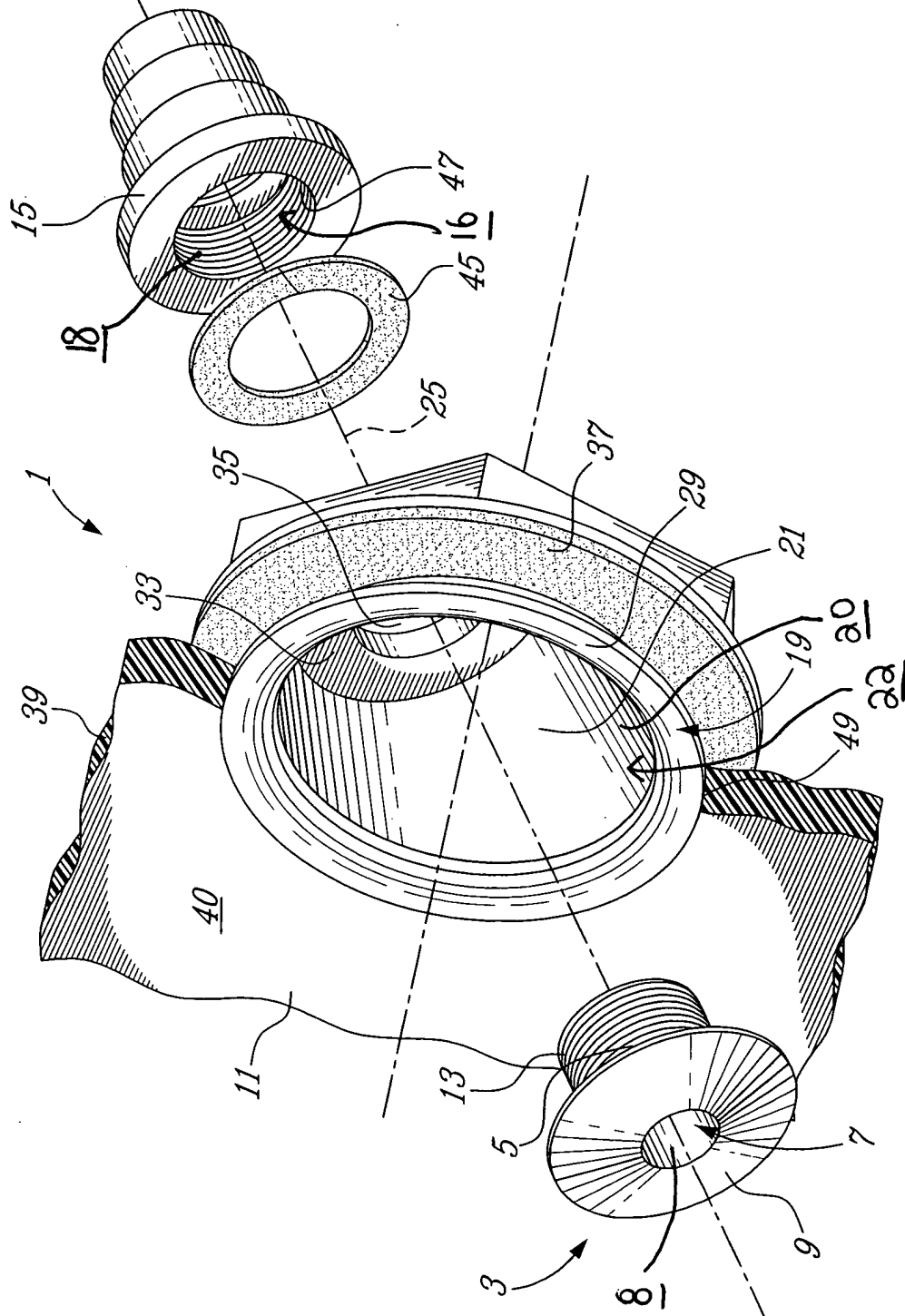


C. Marc Benoit
Reg. No. 50,200

OGILVY RENAULT LLP
Customer Number 020988
1981, McGill College, Suite 1600
Montreal (Quebec) Canada, H3A 2Y3
(514) 847-4462

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Annotated Sheet Showing Changes.



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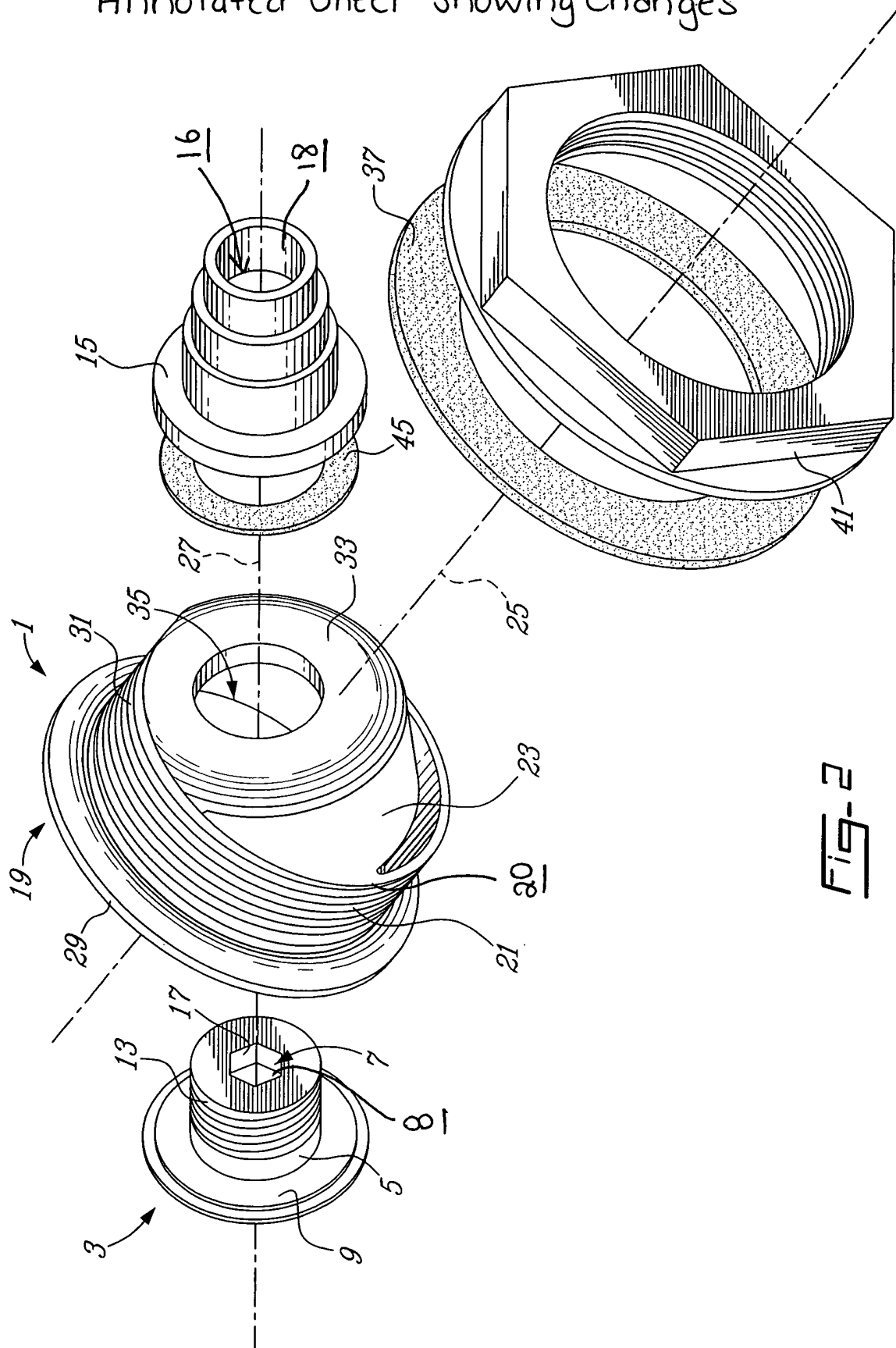


Fig-2